

REMARKS

This Preliminary Amendment, filed in conjunction with a Request for Continued Examination ("RCE"), represents a full and timely response to the Advisory Action mailed February 28, 2006. The filing of this RCE and Amendment is permissible under 37 C.F.R. § 1.114. *See* M.P.E.P. § 706.07(h).

Allowable Subject Matter

The Applicant thanks the examiner for recognizing claims 13 and 19 as containing allowable subject matter. In accordance, the claim 7 has been revised to recite the allowable subject matter of claim 13, and claim 13 has been cancelled without prejudice or disclaimer as to its underlying subject matter. Additionally, claim 19 depends directly from allowable claim 7. Withdrawal of the objection to these claims and allowance of the same are therefore respectfully requested.

Claim Rejections- 35 U.S.C. § 102

In the Action, claims 7-10 and 12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Takayama '549 et al. (US Patent No. 5,948,549). This rejection is respectfully traversed.

Claim 7 as amended recites, *inter alia*, a copper based sintered contact material containing 12 to 16 wt% Sn and a Cu-Sn compound phase which is dispersedly precipitated in the structure thereof, which the Examiner indicated as being allowable in the previous Office Action. Remarks in support of the subject matter of claim 7 are provided below.

As noted in the Office Action, Takayama '549 does not disclose or suggest a contact material containing 12 to 16 wt% Sn and a Cu-Sn compound phase; Takayama '549 merely discloses Sn in a maximum quantity of 10 wt%. Further, the claimed range of 12 to 16 wt% Sn yields a significant increase in bondability of the copper based sintered contact material relative to the iron based material, while also causing precipitation of Cu-Sn δ phase intermetallic compounds in the grain boundaries upon cooling (Page 14, lines 14-26). The precipitated Cu-Sn intermetallics restrain extendibility of the sintered contact and significantly alleviate agglutination. As indicated in the disclosure (Page 14, line 26 through page 15, line 7) the

precipitation of the Cu-Sn intermetallic compounds in the grain boundaries leads to characteristics particularly important for contacts used in applications such as cylinder blocks for hydraulic pumps and motors (where the sliding contact occurs in a centrifugal whirling manner). The characteristics are unexpectedly obtained with the higher range of Sn (12-16 wt%), which is not even indicated as being desirable in Takayama '549. In fact Takayama '549 teaches only that a β phase intermetallic is obtained when using Sn in the range disclosed (not more than 10 wt%). **Thus the range of 12-16 wt% Sn as claimed yields a distinct composition with unexpected characteristics,** as shown by the resulting δ phase intermetallic compound which is precipitated in the grain boundaries.

Accordingly, because Takayama '549 fails to disclose, teach or suggest each and every limitation of claim 7, a *prima facie* case of obviousness has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *accord.* MPEP 2143.03.

Moreover, aside from the novel limitations recited therein, claims 8-10 and 12, being dependent either directly or indirectly upon allowable base claim 7, are also allowable at least by virtue of their dependency upon allowable claim 7. Withdrawal of the rejection of these claims is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 103

In the Office Action, claims 14-18 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Takayama '549 (U.S. Patent No. 5,948,549). Additionally, claim 11 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Takayama '549 in view of Takayama '775 (U.S. Patent No. 6,015,775). This rejection is respectfully traversed.

Claims 11 and 14-18 depend from claim 7. By virtue of this dependency, Applicant submits that claims 14-18 are allowable for at least the same reasons given above with respect to claim 7. In addition, Applicant submits that claims 14-18 are further distinguished over Takayama '549 by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 14-18 under 35 U.S.C. § 103 be withdrawn, and these claims be allowed.

CONCLUSION

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. KOM-0153/INO/DIV3, from which the undersigned is authorized to draw.

Dated: March 31, 2006

Respectfully submitted,

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